

# **EXHIBIT A**

**From:** [Wells, Robert \(USATXE\)](#)  
**To:** [Matt Bishop](#)  
**Cc:** [Gerald Drought](#); [Gonzalez, Ernest \(USATXE\)](#); [Bloss, Colleen \(USATXE\)](#)  
**Subject:** RE: N260RC  
**Date:** Thursday, April 1, 2021 12:01:00 PM

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Matt,

With respect to the Motion to Dismiss, it is not just my opinion about how your client is barred from filing its motion. It's actually the law:

**21 U.S.C. § 853:**

**(k) Bar on intervention**

Except as provided in subsection (n), no party claiming an interest in property subject to forfeiture under this section may—

- (1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or
- (2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

If you disagree with the law, there's a mechanism to change the law in a different forum than in this federal prosecution. There is no forfeiture order here, so your client has no right to intervene at this juncture. As I told you, and as the law dictates, your client will have a full and fair opportunity to address this pursuant to 21 U.S.C. § 853(n) after a preliminary order of forfeiture has been entered.

Your insistence on pursuing a ~~frivolous~~ barred-by-law motion due to your frustrations with the circumstances seems inappropriate. I implore you to review Local Rule AT-3 (<http://www.txed.uscourts.gov/?q=attorney-rules>) and reconsider your actual motivations for proceeding here.

Bob Wells  
AUSA, EDTX

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**From:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Sent:** Thursday, April 1, 2021 11:31 AM  
**To:** Wells, Robert (USATXE) <[RWells1@usa.doj.gov](mailto:RWells1@usa.doj.gov)>  
**Cc:** Gerald Drought <[gdrought@mdtlaw.com](mailto:gdrought@mdtlaw.com)>; 'Paul Mack' <[Paul.Mack@bis.doc.gov](mailto:Paul.Mack@bis.doc.gov)>; Gonzalez, Ernest (USATXE) <[EGonzalez@usa.doj.gov](mailto:EGonzalez@usa.doj.gov)>; Bloss, Colleen (USATXE) <[CBloss@usa.doj.gov](mailto:CBloss@usa.doj.gov)>  
**Subject:** RE: N260RC

As we discussed on the telephone, I disagree with your opinion about the pending motion to dismiss. Under the circumstances, we intend to move forward with our motion.

Matt

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Matt Bishop  
Martin & Drought, P.C.  
112 E. Pecan Street, Ste. 1616  
San Antonio, Texas 78205  
(210) 220-1329  
(210) 227-7924 (fax)

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**From:** Wells, Robert (USATXE) [<mailto:Robert.Wells3@usdoj.gov>]  
**Sent:** Thursday, April 1, 2021 11:27 AM  
**To:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Cc:** Gerald Drought <[gdrought@mdtlaw.com](mailto:gdrought@mdtlaw.com)>; 'Paul Mack' <[Paul.Mack@bis.doc.gov](mailto:Paul.Mack@bis.doc.gov)>; Gonzalez, Ernest (USATXE) <[Ernest.Gonzalez@usdoj.gov](mailto:Ernest.Gonzalez@usdoj.gov)>; Bloss, Colleen (USATXE) <[Colleen.Bloss@usdoj.gov](mailto:Colleen.Bloss@usdoj.gov)>  
**Subject:** RE: N260RC

That has nothing to do with your motion to dismiss that should be withdrawn.

Bob Wells  
AUSA, EDTX

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**From:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Sent:** Thursday, April 1, 2021 11:25 AM  
**To:** Wells, Robert (USATXE) <[RWells1@usa.doj.gov](mailto:RWells1@usa.doj.gov)>  
**Cc:** Gerald Drought <[gdrought@mdtlaw.com](mailto:gdrought@mdtlaw.com)>; 'Paul Mack' <[Paul.Mack@bis.doc.gov](mailto:Paul.Mack@bis.doc.gov)>; Gonzalez, Ernest (USATXE) <[EGonzalez@usa.doj.gov](mailto:EGonzalez@usa.doj.gov)>; Bloss, Colleen (USATXE) <[CBloss@usa.doj.gov](mailto:CBloss@usa.doj.gov)>  
**Subject:** RE: N260RC

As I noted, I do not believe that exporting the aircraft is legally required. Can you please explain why you believe that filing an EEI / exporting the aircraft is necessary?

Regards,  
Matt

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Matt Bishop  
Martin & Drought, P.C.  
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**From:** Wells, Robert (USATXE) [<mailto:Robert.Wells3@usdoj.gov>]  
**Sent:** Thursday, April 1, 2021 10:45 AM  
**To:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Cc:** Gerald Drought <[gdrought@mdtlaw.com](mailto:gdrought@mdtlaw.com)>; 'Paul Mack' <[Paul.Mack@bis.doc.gov](mailto:Paul.Mack@bis.doc.gov)>; Gonzalez, Ernest (USATXE) <[Ernest.Gonzalez@usdoj.gov](mailto:Ernest.Gonzalez@usdoj.gov)>; Bloss, Colleen (USATXE) <[Colleen.Bloss@usdoj.gov](mailto:Colleen.Bloss@usdoj.gov)>  
**Subject:** RE: N260RC  
**Importance:** High

Matt,

I understand your frustration with the process, but there is a way forward ADMINISTRATIVELY that is not within my hands or within my control.

What is in my control is the fate of the forfeiture, and my rapidly approaching deadline of April 5 to respond to your untimely motion to dismiss.

I have directed you to the law that says your client has no standing to move to dismiss: 21 USC 853(k). No private citizen has a right to move to dismiss anything from a criminal case, whether it be a charge in the indictment or an indicted asset. Absolutely nothing about the administrative trustee/export-import/AGC issues cures your client's lack of standing to file its motion to dismiss.

Despite that you know your client has no standing to move to dismiss, are you still going to persist with your motion? As a courtesy, I ask that you let me know by 12:00 noon today whether you will be moving to withdraw the motion so that I have adequate time to prepare and file our response.

Bob Wells  
AUSA, EDTX

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**From:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Sent:** Thursday, April 1, 2021 10:08 AM  
**To:** 'Paul Mack' <[Paul.Mack@bis.doc.gov](mailto:Paul.Mack@bis.doc.gov)>; Wells, Robert (USATXE) <[RWells1@usa.doj.gov](mailto:RWells1@usa.doj.gov)>; Gonzalez, Ernest (USATXE) <[EGonzalez@usa.doj.gov](mailto:EGonzalez@usa.doj.gov)>; Bloss, Colleen (USATXE) <[CBloss@usa.doj.gov](mailto:CBloss@usa.doj.gov)>  
**Cc:** Gerald Drought <[gdrought@mdtlaw.com](mailto:gdrought@mdtlaw.com)>  
**Subject:** RE: N260RC

Mr. Wells – I'm sorry I missed your call yesterday. I received the email below from Mr. Mack yesterday morning. I was surprised by Mr. Mack's request that my client complete an Electronic Export Information (EEI) to export the aircraft. My client is willing to coordinate a new trustee. I do not believe filing an EEI / exporting the aircraft is necessary or required under the circumstances. It is also inconsistent with your proposal that my client provide Mr. Mack with information and then coordinate a new trustee. Are you requiring that my client export the aircraft? I did not understand that to be a requirement of the proposal you outlined.

Regards,  
Matt

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Matt Bishop  
Martin & Drought, P.C.  
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(210) 220-1329  
(210) 227-7924 (fax)

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**From:** Paul Mack [<mailto:Paul.Mack@bis.doc.gov>]  
**Sent:** Wednesday, March 31, 2021 7:36 AM  
**To:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Subject:** RE: N260RC

Mr. Bishop

Please have your client complete the following:

- Electronic Export Information (EEI)
- Deregister the aircraft from the FAA registry and register the register in their county or find a new Trust company to register the aircraft in.

Thank you,

Paul

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**From:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Sent:** Friday, March 26, 2021 10:34 AM  
**To:** 'Wells, Robert (USATXE)' <[Robert.Wells3@usdoj.gov](mailto:Robert.Wells3@usdoj.gov)>  
**Cc:** Bloss, Colleen (USATXE) <[Colleen.Bloss@usdoj.gov](mailto:Colleen.Bloss@usdoj.gov)>; Gonzalez, Ernest (USATXE) <[Ernest.Gonzalez@usdoj.gov](mailto:Ernest.Gonzalez@usdoj.gov)>; Paul Mack <[Paul.Mack@bis.doc.gov](mailto:Paul.Mack@bis.doc.gov)>; Gerald Drought <[gdrought@mdtlaw.com](mailto:gdrought@mdtlaw.com)>  
**Subject:** RE: N260RC

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

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Mr. Wells - Thanks for sending this over.

Mr. Mack - Please let me know what information you need about the aircraft.

Regards,  
Matt

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Matt Bishop  
Martin & Drought, P.C.  
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**From:** Wells, Robert (USATXE) [<mailto:Robert.Wells3@usdoj.gov>]  
**Sent:** Wednesday, March 24, 2021 10:30 AM  
**To:** Matt Bishop <[mbishop@mdtlaw.com](mailto:mbishop@mdtlaw.com)>  
**Cc:** Bloss, Colleen (USATXE) <[Colleen.Bloss@usdoj.gov](mailto:Colleen.Bloss@usdoj.gov)>; Gonzalez, Ernest (USATXE) <[Ernest.Gonzalez@usdoj.gov](mailto:Ernest.Gonzalez@usdoj.gov)>; [Paul.Mack@bis.doc.gov](mailto:Paul.Mack@bis.doc.gov)  
**Subject:** N260RC

Mr. Bishop,

After our phone call earlier this week, I spoke with my colleagues in Plano. Based on your stated intention to change trustee for this aircraft, I think we may all be able to reach an accord.

To proceed, you should take the following steps:

1. Move to withdraw the motion to dismiss you filed, no later than March 29, 2021;
2. Send an email to Paul Mack and provide him all the information he asks for about this airplane;
3. Coordinate a new trustee; and then
4. The government will dismiss N260RC from the indictment; so
5. This plane can be placed into a new trust.

Please let me know if you have any questions or comments about this proposal.

Best regards,  
Bob Wells

**Robert Austin Wells**

**Assistant U.S. Attorney**  
**U.S. ATTORNEY'S OFFICE**  
**EASTERN DISTRICT OF TEXAS**  
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